

Decision by Ofcom's Sanction Panel – Afro Caribbean Millennium Centre (“ACMC”)

Type of case	Broadcast Standards
Outcome	Ofcom's Sanction Panel has decided not to impose any further sanction on ACMC for broadcasting a programme on its community station New Style Radio which included potentially harmful content about the Coronavirus pandemic. ACMC has already been directed to broadcast a summary of Ofcom's findings.
Programme	The Family Programme
Service	New Style Radio 98.7 FM
Date & time	1 November 2020, 18:00
Category	Harm
Summary	This programme featured potentially harmful statements about the Coronavirus pandemic and adequate protection was not provided to listeners. Breach of Rule 2.1 of the Broadcasting Code and a direction to broadcast a statement of Ofcom's findings in this case.

New Style Radio 98.7 FM (“New Style Radio”) is a community radio station providing a service for Afro Caribbean communities in the Winson Green area of Birmingham. The licence for the service is held by Afro Caribbean Millennium Centre (“ACMC” or “the Licensee”).

Ofcom's Decision published on 7 December 2020 in the [Broadcast and On Demand Bulletin](#) found that *The Family Programme* broadcast on 1 November 2020 between 18:00 and 20:00 featured potentially harmful statements about the Coronavirus pandemic without providing adequate protection for listeners and breached Rule 2.1 of the Broadcasting Code (“the Code”).

Rule 2.1: “Generally accepted standards must be applied to the content of television and radio services...so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material”.

The Breach Decision set out the broadcast material that was in breach, along with reasoning as to why the material had breached the applicable rule in the Code. Ofcom found that *The Family Programme* discussed a number of highly contentious, un evidenced conspiracy theories about the Coronavirus, for example that 5G technology was linked to the spread of the virus, without sufficient challenge or context.

Ofcom is prioritising cases relating to the Coronavirus which could cause potential harm to audiences. When we concluded our investigation, given the serious nature of the breach in this case, Ofcom directed ACMC to broadcast a summary of Ofcom’s Breach Decision on 13 December 2020 at 18:00. ACMC complied with this direction and sent us a recording of this broadcast.

Sanction Process

Ofcom put ACMC on notice that given the serious nature of the breach, it would be considering whether to impose any further sanction in addition to the Direction. An Ofcom Sanctions Panel subsequently decided, given the severity of the breach and in light of ACMC’s representations on sanction, it would be appropriate to consider the imposition of a further sanction. Ofcom prepared a Sanction Preliminary View indicating that it would be appropriate to impose a financial penalty.

Ofcom invited ACMC’s written and oral representations on the Sanction Preliminary View, and ACMC attended a hearing on 2 June 2021 to make its oral representations.

Decision of the Ofcom Sanction Panel

The Sanction Panel has decided not to impose a further sanction on ACMC in this case. It concluded that the Direction it had already imposed on ACMC to broadcast a statement of Ofcom’s findings was sufficient in remedying the potentially significant harm to listeners and that any further sanction would not be appropriate in this case.

The Sanction Panel considered all of the representations provided by ACMC and took particular account of the following factors:

- this breach was ACMC’s first serious breach of the Code, its first breach of Rule 2.1 and only breach relating to potentially harmful content about the Coronavirus;
- ACMC took steps to mitigate the potential for harm caused by the original programme by broadcasting a “special programme about the Coronavirus” which was aired on 15 November 2020 at the same time as the original programme;
- ACMC’s finances had been adversely affected by the pandemic, which was supported by its recent annual return to Ofcom.
- representations were made by NSR presenters relating to their dedication to the listeners and wider community they serve. The Panel was particularly persuaded by the information provided by the NSR presenters at the Oral Hearing about the positive work the station undertakes within the local area, including providing training and opportunities for volunteers;

- NSR had taken some steps to improve compliance since the breach occurred and recognised that more training would be beneficial for its presenters, including seeking engagement with, and support from, the Community Media Association (“CMA”); and
- work had been started to create a handbook for presenters that will form part of NSR’s compliance procedures.

Next steps

The Sanction Panel remained concerned whether ACMC had adequate compliance procedures in place to prevent a future recurrence of a serious breach. It was also concerned that ACMC considered that it was not necessary to monitor most of the output of NSR given the experience of its presenters, and only monitored output where a presenter was inexperienced.

While the Sanction Panel acknowledged many community radio stations are staffed by volunteers, compliance with the Code applies equally to all Ofcom licensees. The Sanction Panel wished to underline that the responsibility to ensure content broadcast on NSR complies with the Code lies with the Licensee, ACMC, as a condition of its Ofcom licence. It was the Sanction Panel’s view that all licensees should have clear procedures in place to ensure compliance, beyond simply relying on the experience of volunteer presenters.

Given these concerns, the Sanction Panel considered it appropriate to ask the Ofcom Executive to engage with ACMC further to discuss how improvements can be made to its compliance processes, which the Executive intends to do.